MICHAEL J. GARCIA United States Attorney for the Southern District of New York By: ELIZABETH WOLSTEIN (EW-5194) Assistant United States Attorney 86 Chambers Street New York, New York 10007 Telephone: (212) 637-2743 Facsimile: (212) 637-2686

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ECF CASE

ASSOCIATED PRESS,

Plaintiff, : <u>NOTICE OF MOTION</u>

- V.- :

05 Civ. 3941 (JSR)

UNITED STATES DEPARTMENT OF DEFENSE,

Defendant.

Associated Press v. United States Department of Defense PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and

all pleadings and prior proceedings herein, the United States Department of Defense will move this Court before the Honorable Jed S. Rakoff, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, on January 13, 2006, at 10:30 a.m., pursuant to Federal Rule of Civil Procedure 59(e) and Local Civil Rule 6.3, for an order granting reconsideration of the Court's January 4, 2006 Opinion and Order, and for such other relief as this Court deems just and proper.

Doc. 42

Dated: New York, New York January 12, 2006

Respectfully Submitted,

MICHAEL J. GARCIA United States Attorney for the Southern District of New York, Attorney for Defendant

By: s/Elizabeth Wolstein
ELIZABETH WOLSTEIN (EW-5194)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel. No. (212) 637-2743
Fax No. (212) 637-2686

To: David A. Schulz, Esq.
LEVINE SULLIVAN KOCH & SCHULZ, LLP
230 Park Avenue, Suite 1160
New York, NY 10169

Attorneys for Plaintiff